

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2547 of 2001

Date 30.08.2005

Between:

Moola Girappa & others.

..... PETITIONERS

AND

The Divisional Engineer
A.P. Transco, Power House Nandyal,
Kurnool District & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 2547 of 2001

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ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in retiring the petitioners from service at the age of 58 years instead of 60 years as illegal and arbitrary and consequently, direct the petitioners to continue in service till they attain the age of 60 years.

The contention of the petitioners is that as per the Rule 56 of A.P. Fundamental Rules, the age of superannuation, for every workman, whether in superior or

last grade service is sixty years but not 58 years. According to Section 5 of the Amendment Act 3 of 1983, every Government employees not belonging to last grade service and a workman shall retire from service when he attains the age of 58 years and the age of retirement of employees in last grade service and of every workman whether in superior or last grade service is sixty years.

Basing on the above rules, the petitioner contends that he is liable to be continued till he attains the age of sixty years. The above provision makes it clear that all the Government employees shall retire at the age of 58 years except the last grade service employees. There is no factual background that the petitioners/workmen belong to last grade service so as to claim the benefit to continue in the service till they attain the age of sixty. In the absence of any evidence to that effect, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

30.08.2005

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